

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte SATORU MOTOYAMA

Application 09/037,822



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on January 18, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

ORDER RETURNING UNDOCKETED APPEAL

On March 30, 2006, an Order Returning Undocketed Appeal was mailed and the application was returned to the Examiner. The application has since been returned to the Board of Patent Appeals and Interferences, however, the Examiner did not fully comply with the requirements of the Order Returning Undocketed Appeal mailed March 30, 2006.

On July 27, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 4, paragraph 8, the examiner has listed only Moline (5,883,957) and Isozaki (5,999,905). A review of the file reveals that reference Shioda (5,430,243) was applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the Examiner's Answer.

Before further review, the examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02. Appropriate correction is required.

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Accordingly, it is **ORDERED** that the application is returned
to the Examiner to:

- 1) issue and mail a PTOL-90 having the missing references listed under the
Evidence Relied Upon section, heading (8) of the Examiner's Answer; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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